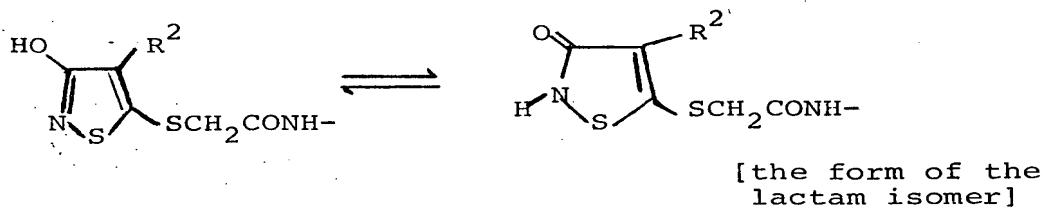
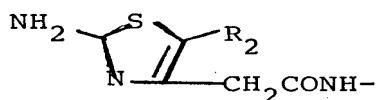


In another recent decision, the Board, in Ex parte Altermatt 183 USPQ 436 held that the claims are not indefinite under the second paragraph of 35 USC 112 because of the use of such expressions as "alkoxy", "alkyl", "acyl", "acyloxy" and "acylamino". It is therefore submitted that the terms objected to by the Examiner have an art recognized meaning and those working in this art would have no difficulty in ascertaining the scope of the compound that could be employed. The objection raised by the Examiner is clearly without basis and should therefore be withdrawn.

Going on to paragraph 7 of the Action, reconsideration is respectfully requested of the rejection of claims 11 and 12 as obvious over the combined teaching of the newly cited Takano et al and Ochiai et al. Referring to Takano et al, this reference discloses 3,7-disubstituted cephalosporin and more particularly, 7-acylated cephalosporin compounds. However, on examining the broad disclosure of this reference including the vast number of compounds set out in columns 15 - 19, it is noted that there is no particular specific disclosure in this very broad reference that teaches the compounds claimed in claims 11 and 12. Further, the compounds disclosed in this patent are 7-thiazolyl compounds which are different chemically from the instant compounds. Specifically, the structures of the side chain at the 7-position of the instant compounds are:



On the other hand, the side chain at the 7-position of compounds (7-thiazolyl compounds) of the Takano et al and Ochiai et al patents are:



$\text{R}_2$ : H or halogen

[US Patent 4,008,246]  
Ochiai et al



[US Patent 3,516,997]  
Takano et al

There is therefore a most significant difference between the instant compounds which can exist in two tautomeric isomers --the lactim form and the lactam form as shown in such two forms at pages 8 - 9 of the instant specification. On the other hand, the reference compounds can exist only in the lactam form since there is no hydroxyl group as the substituent of the thiazolyl ring.

In view of the foregoing, it is submitted that the instant compounds are different chemical compounds as compared with the compounds disclosed in the cited references and the instant compounds are not "structurally obvious" to one or ordinary skill in the art. The rejection of claims 11 and 12 should therefore be withdrawn.

The Applicants have noted, with appreciation, the allowance of claims 2 - 7 and it is respectfully requested that claims 1, 11 and 12 should also be allowed.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231, on Feb. 29, 1980

BURGESS RYAN AND WAYNE

By: Wayne  
Date: Feb. 29, 1980